

Subject: Newly Disclosed Ballot Secrecy Flaw Requires Prompt Attention
Date: Monday, October 17, 2022 at 9:09:49 AM Eastern Daylight Time
From: Marilyn Marks, Coalition for Good Governance
To: marilynmarks@gmail.com

October 17, 2022

Dear Georgia Election Official:

Coalition for Good Governance and its members appreciate your hard work as you open early voting today, with weeks of intense work ahead as your team conducts the November election and anticipated runoffs into December. We are writing you about newly released information regarding the Dominion system's further violation of Georgia's secret ballot statutes. As your team begins to conduct the elections, we hope that you and your board will consider this new concerning information and partial mitigations you can employ, and seek guidance from the State Election Board.

Dr. J. Alex Halderman and his colleagues at University of Michigan and Auburn University have discovered that the ballot ID numbers assigned to individual ballot images and records by the ICP (precinct) scanners are predictable, --not random as Dominion has claimed. Therefore, when reviewing the ballot images or the Cast Vote Records created by the system, an analyst can, with a small effort, "un-shuffle" the ballot information to learn the order the ballots were cast, exposing the vote selections of individual voters, if voters' order of casting their ballot is known. You may [read the report here.](https://twitter.com/jhalderm/status/1580961720079482883?s=20&t=G3t1DCIlgC-1uA61xv3i9OQ)

A user-friendly Twitter version of the findings may be found here--

<https://twitter.com/jhalderm/status/1580961720079482883?s=20&t=G3t1DCIlgC-1uA61xv3i9OQ>

Please note the mitigations that Professor Halderman and his colleagues recommend. We are not aware of any guidance the Secretary of State or the State Election Board has given the counties concerning the needed mitigation. In consultation with the Secretary of State or the State Election Board, alternative partial mitigations such as securely collecting and shuffling ballots

in batches prior to scanning could be considered, as well as the potential use of central count tabulation (still permitted by Georgia statute). Regardless of the mitigation method you choose, it is important to make those plans now. (It should be noted that if precinct scanning is used with each voter scanning his own ballot, a complete mitigation is not possible with the current software. The researchers are recommending a *partial* mitigation as they explain.)

It is important to candidates and voters that the public release of ballot images not be delayed when the tabulations are completed, as ballot images are helpful in supporting voter confidence as well as isolating any anomalies. If counties do not have ready plans in place to mitigate the ballot secrecy issues, it will feed into voter dissatisfaction and loss of confidence. We urge you to make immediate plans for **both** 1) tightly securing the inappropriate data the system improperly collects and reports, and 2) “sanitizing” the ballot images and cast vote records for public release. We hope that the State Election Board will promptly promulgate emergency rules or guidance to ensure a uniform application of protections of ballot secrecy as well as protections of transparency requirements, which will also reduce the risk of post-election challenges on this issue.

As you may be aware, Coalition for Good Governance has long advocated for unwavering voter privacy, and has fought many battles in several states to vindicate voters’ rights to cast an a ballot in absolute secrecy. Georgia’s secret ballot protections in the law are some of the strongest in the nation.

Unfortunately, Georgia’s practices to provide required ballot secrecy have fallen by the wayside since the Dominion BMD system was adopted. Between publicly visible votes on BMD touchscreens that destroy ballot secrecy to the ability to create the order of the ballots cast and connect the ballot information with the voter, Georgia’s voting system is simply not in compliance with the Georgia Constitution, numerous ballot secrecy statutes, and the fundamental principle of free elections. We at CGG recognize that these were not decisions made by the counties, and that most county officials are truly concerned about voters’ privacy rights.

We plan to urge the State Election Board to address this serious issue promptly, so that at least partial mitigations can be deployed. However, we encourage you to promptly ask them for such guidance.

Thank you again for your service. Please feel free to contact us if you have

questions or wish to discuss.

Best Regards,

Marilyn Marks, Executive Director

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Coalition for Good Governance is a nonpartisan, nonprofit organization
focused on election security, integrity, and transparency.

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